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RUEHLO/AMEMBASSY LONDON PRIORITY 7781
RUEHNE/AMEMBASSY NEW DELHI PRIORITY 3168
RUEHKP/AMCONSUL KARACHI PRIORITY 9615
RUEHLH/AMCONSUL LAHORE PRIORITY 5366
RUEHPW/AMCONSUL PESHAWAR PRIORITY 4104
RUEKJCS/SECDEF WASHINGTON DC PRIORITY
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C O N F I D E N T I A L SECTION 01 OF 02 ISLAMABAD 001679

SIPDIS

C O R R E C T E D C O P Y (ADDED CLASSIFIED BY AND REASON)

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TAGS: [PGOV](#) [PREL](#) [PK](#)

SUBJECT: GROWING CONCERN OVER JUDGES' RESTORATION

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Classified by: Ambassador Anne Patterson, Reasons 1.4 (b), (d)

¶1. (C) Summary. There is growing concern over the continued deadlock between the Pakistan People's Party and the Pakistan Muslim League-Nawaz over how to resolve the issue of the deposed judiciary. A new court petition attempting to prevent the National Assembly from considering a legislative solution may force a decision on the issue before passions cool. On April 24, PPP leaders Amin Faheem and Sherry Rehman separately expressed to Ambassador and Polcouns their concerns on how this dispute could affect the future of the coalition. For now, PPP leader Asif Zardari has gone to Dubai, the National Assembly plans to adjourn for a few weeks, and the parties have referred the issue to a committee. End Summary.

¶2. (C) Ambassador and Polcouns called on Pakistan People's Party (PPP) Vice Chairman Amin Faheem at his request April 24; PPP Senator Enver Baig also attended. Separately, Polcouns called on Information Minister Sherry Rehman, at her request.

¶3. (C) Faheem clearly wanted to re-establish contact with Ambassador after his failed attempt to become Prime Minister. He continues to participate in National Assembly meetings but is no longer included in PPP inner circle deliberations and has been spending time with family in Dubai. He avoided all mention of PPP leader Asif Zardari or newly elected Prime Minister, Yousef Gillani.

¶4. (C) However, Faheem expressed great concern about the ability of the coalition government to survive and the fate of "my friend" Musharraf. The key issue, said Faheem, was the current deadlock between the PPP and the Pakistan Muslim League-Nawaz (PML-N) on the issue of restoring the deposed judiciary. Faheem warned that Nawaz Sharif and his PML-N party members remained adamant that former Chief Justice Iftikhar Chaudhry should be restored. If Chaudhry was allowed back on the bench, he would go after Musharraf and create a crisis. Ambassador agreed that this kind of crisis was exactly what Pakistan did not need after the trauma of the past year. However, we were encouraged that Zardari and Nawaz publicly remained optimistic; it was a good sign that they both announced formation of a committee to continue to examine the issue. It did not appear that the 30-day deadline, whose start date was in dispute, was hard and fast.

15. (C) Asked what the PPP would do if Nawaz pulled out of the coalition over a decision to oppose Chaudhry's reinstatement, Faheem said there were two options. The PPP could reach out the Muttahida Quami Movement (MQM) and/or it could appeal to Musharraf's Pakistan Muslim League (PML) party. PML was weakening every day, and the PPP already had decided against forming a coalition with Musharraf's party. The best option was to approach MQM, although Faheem believed MQM continued to have a bad reputation in Sindh.

16. (U) Faheem said he would like to visit the U.S. during campaign season and perhaps have meetings at the State Department. Ambassador said we would try to arrange a visit to Republican/Democratic party headquarters or to one of the party conventions. We would do our best to facilitate meetings at the Dept.

17. (C) Separately, Polcouns met at the request of Information Minister Sherry Rehman. Rehman was concerned about the negative reaction of U.S./international media to the new South Waziristan peace agreement. Polcouns repeated U.S. opposition to the release of al Qaeda/Taliban detainees as part of the Waziristan or other negotiations. We remained skeptical about how the agreement would be enforced. Rehman said the government was relying on the Awami National Party to enforce it, since it was an ANP-drafted agreement. Polcouns pointed out that, in fact, it was an agreement negotiated by the Army/ISI. Surprised, Rehman asked how ANP would enforce an agreement it did not negotiate.

18. (C) Rehman expressed concern over the deadlock on the judges' restoration. PML-N, she said, was playing hardball, even indicating they would give up ministries if Chaudhry was not reinstated. While not convinced they would abandon the coalition, Rehman was nevertheless concerned that direct talks between Zardari and Nawaz had failed to reconcile differences. She indicated the PPP may have to accept Chaudhry's reinstatement for a short period of time. The

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question was for how long (more or less than a year?) and whether his powers as Chief Justice could be curtailed.

19. (C) The PPP, said Rehman, wanted a constitutional reform package that stripped the Chief Justice of suo moto authority (to rule on issues without waiting for a case to be brought before the court), but the lawyers' movement was saying they would compensate by simply filing more petitions. There was also discussion of preventing the new court from reversing decisions made after November 3, 2007. (Note: Although Rehman did not say so, this would include the decision to uphold the National Reconciliation Ordinance that gave Zardari and others immunity from prosecution.) Polcouns asked how the PPP would prevent Chaudhry from taking immediate action against Musharraf; she said that, at this point, she did not know. Zardari was headed for Dubai for the weekend, and the National Assembly session likely would adjourn April 25 for a few weeks. That would allow more time to work the issue through the PPP/PML-N committee.

19. (C) Comment: Led by Geo TV (which suffered significant financial losses when Musharraf shut it down during the state of emergency), Nawaz Sharif, and the lawyers' movement, there are an increasing number of press stories excoriating Zardari for abandoning the judges. This is putting increased pressure on the PPP for an early resolution of the issue. On April 25, the Islamabad High Court rejected a petition (filed by someone known as a front for Inter-Services Intelligence) attempting to block National Assembly consideration of any legislation to reinstate the deposed judges; this rejection will push the matter to the Supreme Court, which is controlled by Musharraf appointees. This may be an ill-considered move by Musharraf supporters as it could force Zardari into a decision before passions on this issue cool.

PATTERSON